

REMARKS

Applicant has considered the Final Office Action of March 15, 2010. Claims 1, 8, 11, and 18-20 are amended. New claim 21 is added. Claims 1-15 and 17-21 are pending. Applicant requests reconsideration.

New claim 21 finds implicit support in the specification on page 12, lines 4-11; page 14, lines 12-22; and in the Examples of the specification.

Claims 1-15 and 17-20 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicant traverses the rejection.

The Examiner objected to "modified protein" in claim 1. Claim 1 is amended to use the phrase "a modified protein."

The Examiner objected to "protein space network" in claims 1 and 11. The Examiner stated that this term was mentioned in the specification, but was not defined. Applicants have amended this term to "protein network." This term is implicitly defined by the specification as referring to the network formed by proteins which are connected to each other via disulfide bridges. See the paragraphs beginning at page 1, line 25; page 2, line 14; page 2, line 35; page 5, line 26; and page 10, line 10. These paragraphs describe how the network is formed. Applicants note that U.S. Patent No. 4,145,455 to Fujimaki, previously cited by the Examiner, refers to a network structure being formed by disulfide bridges between proteins. See column 1, lines 57-67. Applicants submit that this term, read in light of the specification, is definite to one of ordinary skill in the art.

The Examiner objected to "heating said mixture ... free sulfhydryl groups" in claim 8. Claim 8 is extensively amended, and this phrase is no longer present.

Applicant requests withdrawal of the indefiniteness rejection.

Claims 1-3, 6-13, and 17-20 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Craig (U.S. Patent No. 3,876,805).

Claims 1-15 and 17-20 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Craig in view of Savolainen (WO 99/55170).

Applicants traverse the rejections together.

According to the Examiner, Craig disclosed a whey protein concentrate having substantial sulfhydryl activity. When added to dough, the claimed protein network would be formed. It would have been obvious to create the sulfhydryl groups of Craig using the methods of Savolainen, to alter the functional properties of proteins or foods.

Independent claims 1, 8, 11, and 18 have been amended to specify that a mixture of the modified protein and an unmodified protein are added to the food product, and that the network is formed from these three ingredients. Support for this amendment is found on page 12, lines 4-11; page 14, lines 12-22; and in the Examples of the specification.

The Examiner's reasoning discussed the addition of the whey protein concentrate to gluten. The gluten would correspond to the food product. Craig does not appear to discuss adding unmodified protein. Craig's abstract refers to several other ingredients, none of which appear to be unmodified protein. Thus, Craig alone does not teach this aspect.

Savolainen appears to discuss how to obtain modified proteins, but not their use to form the protein networks or films of the present claims. Thus, the claims are not obvious.

Withdrawal of the §§ 102(b)/103(a) rejections is requested.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-15 and 17-21) are now in condition for allowance.

Respectfully submitted,

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15 Dec 2010
Date

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